

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VISALUS, INC.,

Plaintiff,

v.

KODY SMITH,

Defendant.

Case No. 13-10631

Honorable John Corbett O'Meara

**ORDER DENYING
PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND
DENYING DEFENDANT'S MOTION TO REASSIGN CASE**

This matter came before the court on plaintiff ViSalus, Inc.'s February 14, 2013 motion for temporary restraining order and preliminary injunction and defendant Kody Smith's February 19, 2013 motion to reassign the case to Judge Victoria A. Roberts. No responses were filed. Oral argument was heard February 21, 2013.

For the reasons set forth on the record at oral argument, the court will deny Plaintiff's motion to reassign the case.

Also, as indicated by the court during the hearing, the court will deny Plaintiff's motion for temporary restraining order based on a lack of showing of irreparable harm. See, Nightclubs, Inc. v. City of Paducah, 202 F.3d 884, 888 (6th Cir. 2000).

On February 20, 2013, defendant Smith filed a motion to dismiss or to transfer the case to United States District Court for the District of Colorado. The court will issue a scheduling order for that motion, including a hearing date, and will then schedule a hearing on Plaintiff's motion for preliminary injunction.

ORDER

It is hereby **ORDERED** that Plaintiff's February 14, 2013 Motion for Temporary Restraining Order is **DENIED**.

It is further **ORDERED** that Defendant's motion to reassign the case is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: February 27, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, February 27, 2013, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager